

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**ROBERT I. HANFLING, CHAPTER 7
TRUSTEE FOR ATG, INC. AND ATG
CATALYTICS L.L.C.,**

Plaintiffs,

vs.

**EPSTEIN BECKER & GREEN, P.C.,
et al.,**

Defendants.

C.A. No. 05-10077-RGS

July 10, 2006

**MOTION, ON CONSENT, TO EXTEND PLAINTIFFS' DEADLINE
TO FILE OPPOSING STATEMENT OF FACTS PURSUANT TO LOCAL RULE 56.1.**

The Plaintiffs, Robert I. Hanfling, Chapter 7 Trustee for ATG, Inc. and ATG Catalytics, LLC (together the "Plaintiffs") hereby move, with consent of defendant Epstein Becker & Green, P.C. ("EBG") to extend Plaintiffs' deadline to file an opposing statement of facts pursuant to Local Rule 56.1, to July 17, 2006. As grounds for this motion, the Plaintiffs respectfully represent as follows:

1. On May 3, 2006, the Court entered an order granting the joint motion of the Plaintiffs and EBG, dated April 25, 2006, seeking to amend the scheduling order in this case. Pursuant to the scheduling order, as amended on May 3, 2006, motions for summary judgment were to be filed and served by June 7, 2006. Oppositions were to be filed by July 7, 2006, and replies are to be filed by July 21, 2006.

2. On June 7, 2006, EBG filed a motion for summary judgment (the "Motion"), together with a supporting memorandum of law and three supporting affidavits. However, EBG

did not file or serve a statement of undisputed facts, required by Local Rule 56.1, though such statement was referenced in its Motion and supporting papers. Apparently, EBG's counsel had prepared the statement of undisputed facts, but, due to oversight, had failed to file it with the Motion.

3. On July 7, 2006, EBG's counsel filed the Local Rule 56.1 statement of undisputed facts. However, insofar as Plaintiffs' opposition to the Motion was due on July 7, 2006, Plaintiffs did not have adequate opportunity to prepare an appropriate response to EBG's statement of facts, as required by Local Rule 56.1. Nonetheless, Plaintiffs filed their memorandum and affidavits in opposition to the Motion on July 7, as required under the current scheduling order.

4. By this motion, the Plaintiffs seek to extend their deadline to file the statement of facts, contemplated by Local Rule 56.1, to July 17, 2006. Plaintiff further request that they be permitted to amend their opposing memorandum of law and supporting affidavits, no later than July 17, 2006, to the extent such a change might be warranted on account of the matters set forth in EBG's statement of undisputed facts, which was filed with the Court on July 7, 2006.

5. Plaintiffs counsel, undersigned, has conferred with EBG's counsel, Paula M. Bagger, Esq., of the law firm Cooke, Clancy & Gruenthal, LLP, regarding this request. Attorney Bagger has informed the Plaintiffs' counsel that EBG will consent to the relief requested in this motion.

WHEREFORE, the Plaintiffs request that the Court allow the Plaintiffs until July 17, 2006 to file an opposing statement of facts, as contemplated by Local Rule 56.1, and until July 17, 2006 to amend their opposition memorandum of law and supporting affidavits, to the extent

necessary to address matters raised in EBG's statement of undisputed facts, and grant such other and further relief as the Court deems just and proper.

Dated: Norwalk, Connecticut
July 10, 2006

THE PLAINTIFFS,
By their attorneys,
JACOBS PARTNERS LLC

By: /s/ Robert M. Fleischer
Mark R. Jacobs
Leslie L. Lane
Robert M. Fleischer
Merritt View
383 Main Avenue
Norwalk, Connecticut 06851
Phone: (203) 846-6622
Fax: (203) 846-6621

Certification of Service

The undersigned hereby certifies that a copy of the foregoing was sent on this 10th day of July, 2006 to the following:

Paula M. Bagger, Esq.
Marjorie S. Cooke, Esq.
Cooke, Clancy & Gruenthal LLP
265 Franklin Street
Boston, MA 02110
Fax: 617-428-6868

By: /s/ Robert M. Fleischer
Robert M. Fleischer